

65 - INDEPENDENT AGENCIES - REGULATORY

407 - PUBLIC UTILITIES COMMISSION

CHAPTER 312 - VOLUNTARY RENEWABLE RESOURCE RESEARCH AND DEVELOPMENT FUND

SUMMARY - This rule establishes a program allowing retail consumers of electricity to make voluntary contributions to fund renewable resource research and development.

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§ 1 PURPOSE

The purpose of this Chapter is to implement the State's policy to encourage the development of renewable resource technologies by establishing a research and development fund to which electricity customers may make voluntary contributions.

§ 2 EFFECTIVE DATE

This Chapter shall become effective on March 1, 2000.

§ 3 DEFINITIONS

A. Commission. "Commission" means the Maine Public Utilities Commission.

B. Customer. "Customer" means any person or entity receiving transmission and distribution service from a transmission and distribution utility.

C. Transmission and Distribution Utility. "Transmission and distribution utility" means a person, its lessees, trustees, receivers or trustees appointed by a court, owning, controlling, operating or managing a transmission and distribution plant for compensation within the State.

D. Renewable Resource. "Renewable resource" means an electric generation facility that uses a fuel or technology as specified in 35-A M.R.S.A. § 3210(2)(C)(2).

E. Renewable Resource Research and Development Fund. "Renewable resource research and development fund" means the fund established pursuant to this Chapter to which retail consumers of electricity may make voluntary contributions to support renewable resource research and development and demonstration community projects using renewable energy technologies.

§ 4 TRANSMISSION AND DISTRIBUTION UTILITY OBLIGATIONS

A. Customer Option. Each transmission and distribution utility shall provide its customers with the option to make voluntary contributions to the renewable resource research and development fund. Customers may exercise the option at any time through the check-off mechanism provided by this section, or by otherwise notifying the transmission and distribution utility.

B. Mechanism. The option to make voluntary contributions to the renewable resource research and development fund shall be provided through a mechanism that allows customers to choose to contribute \$1.00, \$5.00, \$10.00, or "other" amount each month. Transmission and distribution utilities may provide the option to make contributions through any of the following mechanisms:

1. Customer Bills. A check-off option may be provided on transmission and distribution utility bills;

2. Response Cards. A check-off option may be provided on a response card separate from the customer bill that is mailed to customer, either with or separately from the bill, and can be mailed back to the transmission and distribution utility; or

3. Telephone. A customer may agree to make voluntary contributions through a telephone call to the transmission and distribution utility.

C. Additional Mechanisms. In addition to one of the mechanisms specified in subsection B, transmission and distribution utilities may employ additional mechanisms to solicit voluntary contributions to the renewable resource research and development fund.

D. Amount Added to Bill. Transmission and distribution utilities shall add the amount designated by customers to the customer's bills each month. Customers may terminate their contributions at any time by notifying the transmission and distribution utility.

E. Semi-Annual Notification. Each transmission and distribution utility shall provide its customers with notification of the option to make voluntary contributions to the renewable resource research and development fund pursuant to the provisions of this Chapter at least every six months.

F. Notification Materials. Each transmission and distribution utility shall prepare notification materials informing customers of the existence, purpose, and means to contribute to the renewable resource research and development fund. To the extent available, the notification materials shall include summaries of the projects that have been funded. The notification materials shall be distributed to customers at least every six months through a bill insert or a separate mailing. If the utility provides the check-off option through response cards as provided for in section 4(B)(2), the response cards shall be included as part of the notification materials. The notification

materials shall be prepared in consultation with the State Planning Office, the Commission and the Public Advocate.

G. Transfer of Funds. Each transmission and distribution utility shall transfer funds collected pursuant to this Chapter to the Commission including any associated interest each quarter. The Commission shall place the funds in a specially dedicated account for use consistent with the provisions of this Chapter.

H. Cost Recovery. The Commission shall allow the transmission and distribution utilities to recover their reasonable costs of implementing the provision of this Chapter in appropriate ratemaking proceedings.

I. Annual Report. On or before May 1 of each year, each transmission and distribution utility shall submit a report to the Commission stating the number of customers, by customer class, that have contributed to the renewable resource research and development fund, the amounts of the contributions, and an accounting of its costs of administration.

§ 5 ADMINISTRATION OF FUNDS

A. State Planning Office. The State Planning Office shall administer the renewable resource research and development fund.

B. Distribution of Funds. The funds collected pursuant to this Chapter shall be distributed by the State Planning Office to one or more of the following:

1. University of Maine System, the Maine Maritime Academy, and the Maine Technical College System for renewable resource research and development.

2. Maine-based non-profit organizations that qualify under the federal Internal Revenue Code, Section 501(c)(3), consumer-owned electric cooperatives, community-based non-profit organizations and community action programs for demonstration community projects using renewable energy technologies.

C. Grants. The funds shall be distributed to the institutions and organizations specified in subsection B through a grant proposal system developed and administered by the State Planning Office.

D. Status Report. The State Planning Office shall provide annual reports to the Commission on or before May 1 of each year describing the status of the grant program, the number of grants provided, the amount of each grant, the institution to which the grant was provided, and the nature of the project for which the grant was provided. The report will be made available to any person upon request.

§ 6 WAIVER

Upon the request of any person subject to this Chapter or upon its own motion, the Commission may, for good cause, waive any requirement of this Chapter that is not required by statute. The waiver may not be inconsistent with the purposes of this Chapter or Title 35-A. The Commission, the Director of Technical Analysis, or the presiding officer assigned to a proceeding related to this Chapter may grant the waiver.

BASIS STATEMENT: The factual and policy basis for this rule is set forth in the Commission's Statement of Factual and Policy Basis and Order Adopting Rule, Commission Docket No. 98-620, issued on December 10, 1998, as amended in Docket No. 2000-346, issued on August 1, 2000. Copies of this Statement and Order have been filed with this rule at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 242 State Street, 18 State House Station, Augusta, Maine 04333-0018.

AUTHORITY: 35-A M.R.S.A. §§ 104, 111, 1301, 3203(9) and 3210(5).

EFFECTIVE DATE: This rule was approved as to form and legality by the Attorney General on 08/02/00. It was filed with the Secretary of State on 08/03/00 and will be effective on 08/08/00.